

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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Employers Insurance Company of Wausau,  
Plaintiff,

Civil No. 1:23-cv-239 (FJS/DJS)

vs.

American Iron & Crane, Inc.,  
Defendant,

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**ORDER DISMISSING ACTION BY REASON OF SETTLEMENT**

The Parties having filed their agreement in settlement of all claims in this action, the Court finds that it is not necessary for this action to remain on its calendar. However, the Court shall retain jurisdiction over this matter until the payment obligations set forth in paragraph 2 of the Parties' Settlement Agreement are satisfied. Accordingly, the Court hereby

**ORDERS** that this action is **DISMISSED** in its entirety by reason of settlement **without prejudice** to the parties' right to secure reinstatement of this case within sixty (60) days after **May 1, 2025**, upon a showing that the settlement was not, in fact, consummated, *see L.R. 68.1(a)* of the Local Rules of this District; and in the event that no motion for reinstatement is made within this timeframe, the dismissal of this case shall thereafter be **with prejudice**. Any application to reinstate this case filed after the expiration of that sixty (60) day period may be summarily denied solely on the basis of untimeliness, unless the Court has extended this time period prior to its expiration; and the Court further

**ORDERS** that the Clerk of the Court shall close this case.

**IT IS SO ORDERED**

Dated: June 23, 2023  
Syracuse, New York

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Hon. Frederick J. Scullin, Jr.  
Senior U.S. District Judge

